



REMARKS/ARGUMENTS

As a result of this Response, claims 1-20 are under active consideration in the subject patent application. A Petition for Extension of time has been filed, concurrently with this response, extending the time for response to the Official

Action one (1) month, from September 4, 2003, to October 4, 2003.

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In the Official Action, the Examiner has:

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- (1) accepted the drawings for examination purposes but required formal drawing upon allowance of the application;
- (2) rejected claims 1-8 and 14-20 under 35 U.S.C. § 102(e) as being unpatentable by U.S. Pat No. 6,121,963, issued to Ange;
- (3) rejected claims 9-13 under 35 U.S.C. § 102(e) as being unpatentable by U.S. Pat No. 6,121,963, issued to Ange, in view of U.S. Patent No. 5,956,716, issued to Kenner et al.; and
- (4) identified prior art made of record and not relied upon, but considered pertinent to Applicants' disclosure.

With regard to Item 1, Applicants acknowledge with appreciation acceptance by the Examiner of the drawings for examination purposes. Applicants will submit formal drawings at or prior to payment of an issue fee for the case.

With regard to Item 2, the Ange patent issued on September 19, 2000, from Application Serial No. 09/491,952, filed January 26, 2000. The instant application was filed on February 9, 2001, and claims priority from provisional

patent applications Nos. 60/181,803, filed February 22, 2000, 60/210,228, filed June 6, 2000, and 60/260,913, filed January 10, 2001. Thus, the Ange reference issued less than one year from the earliest claimed priority date of the instant application. The claims of the Ange reference are directed to a wholly distinct and separate invention when compared to Applicants' claimed invention. Applicants respectfully submit that the Ange reference is not valid prior art with respect to the instant Application, since the present invention was conceived prior to the filing date of the Ange reference, January 26, 2000, and constructively reduced to practice at least as early as February 22, 2000. An Affidavit under 37 CFR §131 is filed herewith affirming conception of the invention prior to January 26, 2000, and diligent efforts undertaken to reduce the invention to practice.

Accordingly, the Ange reference is not valid prior art with respect to Applicant's invention. Reconsideration and withdrawal of the rejection of claims 1-8 and 14-20 under 35 U.S.C. §102(e) are respectfully requested.

With regard to Item 3, since the Examiner's rejection under 35 U.S.C. §103 relies upon a combination of Ange with the Kenner et al. reference, and Ange is not a valid prior art reference, the Examiner's proposed combination is also invalid. As such, the Examiner has failed to establish a *prima facie* case under 35 U.S.C. §103. Claims 1-20 are patentable over Kenner et al. Withdrawal of these rejections is respectfully requested.

With regard to Item 4, Applicants have reviewed the additional prior art reference identified by the Examiner in the Official Action, but not relied upon in

Appl. No. 09/782,466
Docket No.: H2128-00002
Reply to Office action of June 4, 2003

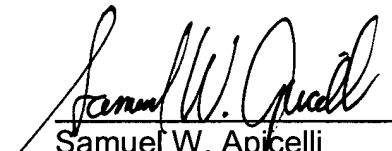
making the rejections of claims 1-20. The reference, whether taken alone, or in any valid combination with Ange or Kenner et al, teaches or suggests Applicant's invention as defined by claims 1-20.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicant's undersigned Attorney invites the Examiner to telephone him at 717-237-5516.

Respectfully Submitted,

Date: September 29, 2003



Samuel W. Apicelli
Registration No. 36,427
Customer No. 08933
DUANE MORRIS LLP
305 North Front Street
P.O. Box 1003
Harrisburg, PA 17108-1003
(717) 237-5516